

SIXTY-FIFTH DAY

FRIDAY, MAY 2, 1997

PROCEEDINGS

The Senate met at 9:30 a.m. pursuant to adjournment and was called to order by President Pro Tempore Zaffirini.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brown, Cain, Carona, Duncan, Ellis, Fraser, Gallegos, Galloway, Harris, Haywood, Lindsay, Lucio, Luna, Madla, Moncrief, Nelson, Nixon, Ogden, Patterson, Ratliff, Shapiro, Shapleigh, Sibley, Truan, Wentworth, West, Whitmire, Zaffirini.

The President Pro Tempore announced that a quorum of the Senate was present.

The Reverend Roland A. Timberlake, Rector, Saint Luke's on the Lake Episcopal Church, Austin, offered the invocation as follows:

Almighty God, guide, we pray Thee, all those to whom Thou hast committed the government of this state: our Governor George, our Lieutenant Governor Bob, our Speaker Pete, and especially, Members of the Senate and of the House. Grant to them special gifts of wisdom and understanding, of counsel and strength; that, upholding what is right and following what is true, they may obey Thy divine will and fulfill Thy divine purpose.

We humbly beseech Thee that our Senators and all citizens of this state may always prove ourselves a people mindful of Thy favor and glad to do Thy will. Bless our land with honorable industry, technology, sound learning, pure manners. Save us from violence, discord, and confusions; from pride and arrogance; and from every evil way. Defend our liberties and fashion into one united people the multitudes brought here out of many kindreds and tongues.

Endue with the spirit of wisdom those to whom in Thy name we entrust the authority of government, that there may be justice and peace at home, and that, through obedience to Thy holy divine laws and the laws of this great State of Texas, we may show forth Thy praise amongst the nations of the earth.

In time of prosperity, fill our hearts with thankfulness. In the day of trouble, let our trust in Thee not fail.

The blessing of God the Father who created you, God the Son who redeems you, God the Holy Spirit who empowers you, be with you this day and forever more. Amen.

On motion of Senator Truan and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

CO-AUTHOR OF SENATE BILL 14

On motion of Senator Harris and by unanimous consent, Senator Truan will be shown as Co-author of **SB 14**.

SENATE BILLS ON FIRST READING

The following bills were introduced, read first time, and referred to the committees indicated:

SB 1943 by Wentworth

Relating to validating the creation and certain actions of the Comal County Fresh Water Supply District No. 1.

To Committee on Natural Resources.

SB 1944 by Sibley

Relating to the creation, administration, powers, duties, operation, and financing of the Parker County Utility District No. 1; granting the power of eminent domain.

To Committee on Natural Resources.

HOUSE BILLS ON FIRST READING

The following bills received from the House were read first time and referred to the committees indicated:

HB 533 to Committee on Jurisprudence.

HB 547 to Committee on Criminal Justice.

HB 691 to Committee on State Affairs.

HB 733 to Committee on Finance.

HB 740 to Committee on Jurisprudence.

HB 762 to Committee on Education.

HB 768 to Committee on Economic Development.

HB 921 to Committee on Criminal Justice.

HB 1091 to Committee on Jurisprudence.

HB 1243 to Committee on Intergovernmental Relations.

HB 1287 to Committee on Economic Development.

HB 1456 to Committee on Jurisprudence.

HB 1516 to Committee on Health and Human Services.

HB 1633 to Committee on Economic Development.

HB 1968 to Committee on Criminal Justice.

HB 1971 to Committee on Economic Development.

HB 2010 to Committee on Education.

HB 2071 to Committee on Intergovernmental Relations.

HB 2098 to Committee on State Affairs.

HB 2382 to Committee on State Affairs.

HB 2446 to Committee on Intergovernmental Relations.

HB 2506 to Committee on Jurisprudence.

HB 2517 to Committee on Education.

HB 2592 to Committee on Criminal Justice.
HB 2825 to Committee on Criminal Justice.
HB 3012 to Committee on Jurisprudence.
HB 3038 to Committee on Economic Development.
HB 3113 to Committee on Criminal Justice.
HB 3170 to Committee on Intergovernmental Relations.
HB 3517 to Committee on Administration.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER
Austin, Texas
Friday, May 2, 1997

The Honorable President of the Senate
Senate Chamber
Austin, Texas

Mr. President:

I am directed by the House to inform the Senate that the House has taken the following action:

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

HB 10, Relating to a nonsubstantive revision of statutes relating to financial institutions, financial businesses, and credit, including conforming amendments, repeals, and penalties.

HB 57, Relating to the authority of active and retired judicial officers to carry certain weapons.

HB 107, Relating to specialized license plates to support an elementary student reading program.

HB 331, Relating to certain election processes and procedures.

HB 571, Relating to exempting certain educational aides from tuition and fees charged by institutions of higher education.

HB 1216, Relating to the creation and operation of the Texas Emancipation Juneteenth Cultural and Historical Commission.

HB 1585, Relating to liability insurance for motor vehicles operated by law enforcement officers of a political subdivision.

HB 1853, Relating to coverage provided under certain policies issued through the Texas Catastrophe Property Insurance Association.

HB 1856, Relating to the continuation and functions of the Commission on Law Enforcement Officer Standards and Education and to commissioned retired Texas Rangers, special rangers, and special Department of Public Safety officers.

HB 2033, Relating to coverage for services provided through telemedicine under certain health benefit plans.

- HB 2180**, Relating to review of mandated coverage in health benefit plans.
- HB 2295**, Relating to excavation operations that may damage underground facilities; providing civil penalties.
- HB 2541**, Relating to the regulation of certain scientific breeders.
- HB 2542**, Relating to the regulation of parks and wildlife; providing penalties.
- HB 2617**, Relating to the assessment of certain court costs in criminal cases and the use of that revenue to fund the Bill Blackwood Law Enforcement Management Institute.
- HB 2777**, Relating to eligibility determination and service delivery of health and human services.
- HB 2841**, Relating to conforming the statutes to reflect the abolishment of the office of state treasurer.
- HB 2945**, Relating to protection of agricultural improvements.
- HB 3027**, Relating to recoupment of certain professional liability discounts in lieu of reimbursement under Chapter 110, Civil Practice and Remedies Code; and declaring an emergency.
- HB 3031**, Relating to the authority of the commissioner of insurance to approve higher deductibles on coverage provided under certain policies issued through the Texas Catastrophe Property Insurance Association.
- HB 3061**, Relating to regulation of the import, export, and management of deer; providing penalties.
- HB 3158**, Relating to certain bonds executed by sureties.
- HB 3190**, Relating to the holding of certain court proceedings outside the municipality designated as the county seat.
- HB 3256**, Relating to the operation and management of the Bill Blackwood Law Enforcement Management Institute of Texas and to membership on that institute's advisory board.
- HB 3383**, Relating to the operation of the Texas catastrophe property insurance pool.

Respectfully,

/s/Sharon Carter, Chief Clerk
House of Representatives

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Committee on Nominations:

Austin, Texas
May 1, 1997

TO THE SENATE OF THE SEVENTY-FIFTH LEGISLATURE,
REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointment:

TO BE PRESIDING JUDGE OF THE EIGHTH ADMINISTRATIVE JUDICIAL REGION, for a term to expire four years from date of qualification:

ROGER JEFFERY "JEFF" WALKER

3700 Shadycreek Drive South

Arlington, Texas 76013

Judge Walker will be replacing Judge Clyde R. Ashworth of Arlington whose term expired.

Respectfully submitted,

/s/George W. Bush

Governor of Texas

CAPITOL PHYSICIAN

Senator Armbrister was recognized and presented Dr. Stan Cassin of El Campo as the "Doctor for the Day."

The Senate welcomed Dr. Cassin and thanked him for his participation in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians.

REPORT OF COMMITTEE ON NOMINATIONS

Senator Madla submitted the following report from the Committee on Nominations:

TO THE SENATE OF THE SEVENTY-FIFTH LEGISLATURE:

We, your Committee on Nominations, to which were referred the following appointments, have had same under consideration and report them back to the Senate with a recommendation that they be confirmed.

To be COMMISSIONER OF HEALTH AND HUMAN SERVICES: Michael Dean McKinney, M.D., Harris County.

To be Members of the TEXAS JUVENILE PROBATION COMMISSION: Judge Robert P. Brotherton, Wichita County; Keith H. Kuttler, Brazos County; Bettye "Betsy" Lake, Harris County; Michael L. Williams, Tarrant County.

To be Members of the TEXAS PUBLIC FINANCE AUTHORITY BOARD OF DIRECTORS: Cynthia L. Meyer, Comal County; Daniel T. Serna, C.P.A., Tarrant County.

To be Members of the TELECOMMUNICATIONS INFRASTRUCTURE FUND BOARD: Roger James Benavides, Bexar County; J. Clinton "Clint" Formby, Deaf Smith County; Kay Karr, Hudspeth County; William Bruce Mitchell, Travis County; Joe N. Randolph, Gregg County; Gwen Stafford, Lubbock County.

To be Members of the COASTAL WATER AUTHORITY BOARD OF DIRECTORS: Buster E. French, Liberty County; Johnnie G. Jennings, Harris County; Leonard H. O. Spearman, Sr., Ph.D., Harris County.

To be a Member of the TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS BOARD: James Amador Daross, El Paso County.

To be Members of the COMMISSION ON LAW ENFORCEMENT OFFICER STANDARDS AND EDUCATION: Chief Benigno Guadalupe Reyna, Cameron County; Joe A. Stivers, Walker County.

To be Members of the TEXAS STATE BOARD OF EXAMINERS OF PROFESSIONAL COUNSELORS: Judy Broussard, Hockley County; Joseph D. Dameron, Ph.D., Denton County; J. Lee Jagers, Ph.D., Dallas County; Mary Lee Madison, Erath County; Suzanne Moore, Ph.D., Bexar County; Gene Ryder, Bexar County.

To be Members of the TEXAS STATE BOARD OF SOCIAL WORKER EXAMINERS: Deborah Hammond, Travis County; Sergeant Willie McGee, Jr., Hale County; Gerrienne Waring, El Paso County.

NOTICE OF CONSIDERATION OF NOMINATIONS

Senator Madla gave notice that he would Monday, May 5, 1997, at the conclusion of morning call submit to the Senate for consideration nominations to agencies, boards, and commissions of the state.

HOUSE BILL 1112 REREFERRED

On motion of Senator Duncan and by unanimous consent, **HB 1112** was withdrawn from the Committee on Criminal Justice and was rereferred to the Committee on Finance.

SENATE BILL 11 ON SECOND READING

On motion of Senator Luna and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

SB 11, Relating to the enforcement of a child support obligation in a suit to terminate the parent-child relationship.

The bill was read second time and was passed to engrossment by a viva voce vote.

RECORD OF VOTES

Senators Carona and Fraser asked to be recorded as "Present-not voting" on the passage of the bill to engrossment.

SENATE BILL 11 ON THIRD READING

Senator Luna moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 11** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0, Present-not voting 2.

Yeas: Armbrister, Barrientos, Bivins, Brown, Cain, Duncan, Ellis, Gallegos, Galloway, Harris, Haywood, Lindsay, Lucio, Luna, Madla,

Moncrief, Nelson, Nixon, Ogden, Patterson, Ratliff, Shapiro, Shapleigh, Sibley, Truan, Wentworth, West, Whitmire, Zaffirini.

Present-not voting: Carona, Fraser.

SB 11 was read third time and was passed by a viva voce vote.

RECORD OF VOTES

Senators Carona and Fraser asked to be recorded as "Present-not voting" on the final passage of the bill.

SENATE BILL 1090 ON SECOND READING

On motion of Senator Patterson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

SB 1090, Relating to a signature verification committee in the general election for state and county officers.

The bill was read second time.

Senator Patterson offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 1090** by striking all below the enacting clause and substituting the following:

SECTION 1. Section 87.002, Election Code, is amended by amending Subsection (b) and adding Subsections (c) and (d) to read as follows:

(b) Except as provided by Subsection (d), the [The] presiding judge is appointed in the same manner as a presiding election judge. Except as provided by Subsection (c), the [The] other members are appointed by the presiding judge in the same manner as the precinct election clerks.

(c) In the general election for state and county officers, each county chair of a political party with nominees on the general election ballot shall submit to the county election board a list of names of persons eligible to serve on the early voting ballot board. The county election board shall appoint at least one person from each list to serve as a member of the early voting ballot board. The same number of members must be appointed from each list.

(d) In addition to the members appointed under Subsection (c), the county election board shall appoint the presiding judge from the list provided under that subsection by the political party whose nominee for governor received the most votes in the county in the most recent gubernatorial general election.

SECTION 2. Sections 87.027(a), (i), and (j), Election Code, are amended to read as follows:

(a) A signature verification committee may be appointed in any election. The early voting clerk is the authority responsible for determining whether a signature verification committee is to be appointed. If the clerk determines that a committee is to be appointed, the clerk shall issue a written order calling for the appointment. Section 87.0271 supersedes this section to the extent of a conflict.

(i) The signature verification committee shall compare the signature on each carrier envelope certificate, except those signed for a voter by a witness, with the signature on the voter's ballot application to determine whether the signatures are those of the same person. A determination that the signatures do not match must be made by a majority vote of the committee's membership. The committee shall place the jacket envelopes, carrier envelopes, and applications of voters whose signatures do not match in separate containers from those of voters whose signatures match. The committee ~~chair~~ [chairman] shall deliver the sorted materials to the early voting ballot board at the time specified by the board's presiding judge but within the period permitted for the early voting clerk's delivery of early voting ballots to the board.

(j) If a signature verification committee is appointed, the early voting ballot board shall follow the same procedure for accepting the early voting ballots voted by mail as in an election without a signature verification committee, except that the board may not determine whether a voter's signatures on the carrier envelope certificate and ballot application match if the committee has determined that the signatures match. If the committee has determined that the signatures do not match, the board may make a determination that the signatures match by a majority vote of the board's membership.

SECTION 3. Subchapter B, Chapter 87, Election Code, is amended by adding Section 87.0271 to read as follows:

Sec. 87.0271. COMMITTEE REQUIREMENTS SPECIFIC TO GENERAL ELECTION FOR STATE AND COUNTY OFFICERS. (a) A signature verification committee shall be appointed in the general election for state and county officers on receipt by the early voting clerk of a written request for the committee submitted by at least 15 registered voters of the county. Except as provided by this section, Section 87.027 applies to the committee.

(b) If a signature verification committee is appointed under this section, each county chair of a political party with nominees on the general election ballot shall submit to the county election board a list of names of persons eligible to serve on the committee. The county election board shall appoint at least two persons from each list to serve as members of the committee. The same number of members must be appointed from each list.

(c) In addition to the members appointed under Subsection (b), the county election board shall appoint the chair of the committee from the list provided under that subsection by the political party whose nominee for governor received the most votes in the county in the most recent gubernatorial general election.

SECTION 4. This Act takes effect September 1, 1997.

SECTION 5. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

The amendment was read and was adopted by a viva voce vote.

SB 1090 as amended was passed to engrossment by a viva voce vote.

SENATE BILL 1090 ON THIRD READING

Senator Patterson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1090** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

SB 1090 was read third time and was passed by a viva voce vote.

ANNOUNCEMENT

Senator Harris was recognized and announced to the Senate that today was Senator Shapiro's birthday.

The Senate congratulated Senator Shapiro on her birthday.

GUESTS PRESENTED

Senator Lucio was recognized and introduced to the Senate a group of students from Los Fresnos High School of Los Fresnos and Lopez High School of Brownsville.

The Senate welcomed its guests.

**COMMITTEE SUBSTITUTE
SENATE BILL 1286 ON SECOND READING**

On motion of Senator Gallegos and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

CSSB 1286, Relating to civil service for firefighters and police officers in certain municipalities.

The bill was read second time.

Senator Gallegos offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1286** to read as follows:

(1) In SECTION 2 of the bill, at the end of Section 143.1261(f), Local Government Code (committee printing page 2, line 26), insert the following: If more than one employee organization requests to use legislative leave, each employee organization may use a proportional share of the 4,000 hours based on the total amount of hours donated to the employee organization for its exclusive use before January 2 of the calendar year in which the legislative leave is requested. This section does not prevent an employee organization from accumulating more than 4,000 hours. This subsection only limits the total number of donated hours that one or more employee organizations may use in any calendar year.

(2) In SECTION 3(a) of the bill, in the third sentence (committee printing page 2, line 38) strike "who is not reclassified by this Act" and substitute "in Class A".

(3) In SECTION 3(b) of the bill, strike the last sentence (committee printing page 2, lines 44-55) and substitute the following:

"Except for officers currently classified in the communication or technical class:

(1) when a sergeant position in a specialized police division becomes vacant on or after the effective date of this Act, it shall be reclassified as a position in the class referred to in the municipality as Class A;

(2) if fewer than three qualified specialized sergeants or lieutenants are eligible to take a promotional examination for a specialized lieutenant or captain position of a specialized police division that becomes vacant on or after the effective date of this Act, the vacant position may be reclassified as a position in the class referred to in the municipality as Class A and a promotional examination may be administered for that position unless there is an existing eligibility list of Class A officers for that reclassified position; and

(3) if a specialized lieutenant or captain position of a specialized police division is reclassified and a promotional examination is administered under Subsection (b)(2) of this section, a peace officer in the specialized division who was eligible to take the promotional examination for the vacant position before the position was reclassified is not eligible to take the promotional examination for the vacant position after it is reclassified."

The amendment was read and was adopted by a viva voce vote.

CSSB 1286 as amended was passed to engrossment by a viva voce vote.

RECORD OF VOTE

Senator Harris asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 1286 ON THIRD READING

Senator Gallegos moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1286** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Harris.

CSSB 1286 was read third time and was passed by a viva voce vote.

RECORD OF VOTE

Senator Harris asked to be recorded as voting "Nay" on the final passage of the bill.

SENATE BILL 1375 ON SECOND READING

On motion of Senator Nixon and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

SB 1375, Relating to the appraisal of certain leaseholds for tax purposes.

The bill was read second time.

Senator Nixon offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **SB 1375** by adding the following sections to the bill, appropriately numbered, and renumbering subsequent sections of the bill accordingly:

SECTION __. Subchapter A, Chapter 41, Tax Code, is amended by adding Section 41.035 to read as follows:

Sec. 41.035. CHALLENGE RELATING TO CERTAIN TAXABLE LEASEHOLDS. In a challenge filed under this subchapter that relates to a taxable leasehold or other possessory interest in real property, if the real property is owned by this state or a political subdivision of this state, the state or political subdivision, as appropriate, may intervene in or be a party to the challenge. The state or political subdivision is not a necessary party to the challenge.

SECTION __. Subchapter C, Chapter 41, Tax Code, is amended by adding Section 41.414 to read as follows:

Sec. 41.414. PROTEST RELATING TO CERTAIN TAXABLE LEASEHOLDS. Notwithstanding Section 41.413 or any other law to the contrary, the state or a political subdivision of this state, as appropriate, may intervene in or be a party to a challenge filed under this subchapter if the challenge relates to a taxable leasehold or other possessory interest in real property that is owned by this state or the political subdivision. The state or political subdivision is not a necessary party to the protest.

SECTION __. Section 42.031, Tax Code, is amended by adding Subsection (c) to read as follows:

(c) If an order of the appraisal review board relates to a leasehold or other possessory interest in real property that is owned by this state or a political subdivision of this state, the state or the political subdivision, as appropriate, may intervene in or be a party to an appeal of the board order. To the extent of a conflict between Subsection (b) and this subsection, this subsection prevails. The state or political subdivision is not a necessary party to the appeal.

The committee amendment was read and was adopted by a viva voce vote.

SB 1375 as amended was passed to engrossment by a viva voce vote.

SENATE BILL 1375 ON THIRD READING

Senator Nixon moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1375** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

SB 1375 was read third time and was passed by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 257 ON SECOND READING**

On motion of Senator Luna and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

CSSB 257, Relating to the regulation of the practice of naturopathic medicine; providing penalties.

The bill was read second time.

Senator Luna offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 257** as follows:

(1) In **SECTION 5** of the bill, in Subdivision (4) of that section (committee printing, page 3, line 27), strike "prevention,".

(2) In **SECTION 5** of the bill, in Subdivision (4) of that section (committee printing, page 3, line 28), strike "treatment," and substitute "treatment".

(3) Strike **SECTIONS 23, 24, and 25** of the bill (committee printing, page 9, line 19, through page 10, line 7) and renumber the remaining sections of the bill accordingly.

The amendment was read and was adopted by a viva voce vote.

CSSB 257 as amended was passed to engrossment by a viva voce vote.

RECORD OF VOTE

Senator Harris asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 257 ON THIRD READING**

Senator Luna moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 257** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Harris.

CSSB 257 was read third time and was passed by a viva voce vote.

RECORD OF VOTE

Senator Harris asked to be recorded as voting "Nay" on the final passage of the bill.

GUESTS PRESENTED

Senator Haywood was recognized and introduced to the Senate students and teachers from the Midway Independent School District.

The Senate welcomed its guests.

SENATE BILL 1808 ON THIRD READING

Senator Barrientos moved that the regular order of business be suspended and that **SB 1808** be placed on its third reading and final passage.

SB 1808, Relating to the international education fee at The University of Texas at Austin.

The motion prevailed by the following vote: Yeas 27, Nays 4.

Yeas: Armbrister, Barrientos, Bivins, Cain, Carona, Duncan, Ellis, Gallegos, Galloway, Harris, Haywood, Lindsay, Lucio, Luna, Madla, Moncrief, Nixon, Ogden, Patterson, Ratliff, Shapiro, Shapleigh, Sibley, Truan, West, Whitmire, Zaffirini.

Nays: Brown, Fraser, Nelson, Wentworth.

SB 1808 was read third time.

Senator Ogden offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 1808** on third reading, as follows:

(1) In SECTION 1 of the bill (committee printing page 1, line 21) after "\$2" and before "for" insert the following:
"if approved by the students in a student referendum"

The amendment was read and was adopted by the following vote: Yeas 22, Nays 8.

Yeas: Armbrister, Bivins, Brown, Cain, Carona, Duncan, Fraser, Galloway, Harris, Haywood, Lindsay, Lucio, Luna, Nelson, Nixon, Ogden, Patterson, Ratliff, Shapiro, Sibley, Truan, Wentworth.

Nays: Barrientos, Ellis, Gallegos, Madla, Moncrief, Shapleigh, West, Zaffirini.

Absent: Whitmire.

SB 1808 as amended was finally passed by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 924 ON SECOND READING**

On motion of Senator Nixon and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

CSSB 924, Relating to the operation of a motor home dealership by a motor home manufacturer.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 924 ON THIRD READING**

Senator Nixon moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 924** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

CSSB 924 was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 1539 ON SECOND READING**

On motion of Senator West and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

CSSB 1539, Relating to the regulation of certain facilities, homes, and agencies that provide child care and of child-care administrators; providing penalties.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 1539 ON THIRD READING**

Senator West moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1539** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

CSSB 1539 was read third time and was passed by a viva voce vote.

HOUSE BILL 2826 ON SECOND READING

On motion of Senator West and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

HB 2826, Relating to the qualifications required for appointment as a community supervision and corrections department officer.

The bill was read second time and was passed to third reading by a viva voce vote.

HOUSE BILL 2826 ON THIRD READING

Senator West moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 2826** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

HB 2826 was read third time and was passed by the following vote: Yeas 31, Nays 0.

**SENATE RULES SUSPENDED
(Posting Rules)**

On motion of Senator Bivins and by unanimous consent, Senate Rule 11.11 and Senate Rule 11.19 were suspended in order that the Committee on Education might meet and consider **SB 1653** today.

**NOTICE GIVEN FOR
LOCAL AND UNCONTESTED CALENDAR**

Senator Harris announced that a Local and Uncontested Calendar had been furnished to each Member of the Senate. He then gave notice that

the Local and Uncontested Calendar Session would be held at 8:30 a.m. Monday, May 5, 1997, and that all bills and resolutions would be considered on second and third reading in the order in which they were listed.

**SENATE RULE 11.19 SUSPENDED
(Posting Rule)**

On motion of Senator Wentworth and by unanimous consent, Senate Rule 11.19 was suspended in order that the Committee on Jurisprudence might consider **SB 309** today.

**SENATE RULE 11.19 SUSPENDED
(Posting Rule)**

On motion of Senator Ratliff and by unanimous consent, Senate Rule 11.19 was suspended in order that the Committee on Finance might consider **SB 918** today.

PERMISSION TO MEET GRANTED

On motion of Senator Harris and by unanimous consent, Senate committees were granted permission to meet on Monday, May 5, 1997, during the Local and Uncontested Calendar Session.

HOUSE BILL 1487 REREFERRED

On motion of Senator Truan and by unanimous consent, **HB 1487** was withdrawn from the Committee on State Affairs and was rereferred to the Committee on International Relations, Trade, and Technology.

BILLS AND RESOLUTIONS SIGNED

The President Pro Tempore announced the signing of the following enrolled bills and resolutions in the presence of the Senate after the captions had been read:

SB 217, SB 293, SB 338, SB 400, SB 445, SB 638, SB 998, SCR 78, HB 786, HB 1040, HB 1414, HB 1720, HCR 223

MOTION TO ADJOURN

On motion of Senator Truan and by unanimous consent, the Senate at 10:35 a.m. agreed to adjourn, upon conclusion of the Local and Uncontested Calendar Session to be held Monday, May 5, 1997, until 10:00 a.m. Monday, May 5, 1997.

MEMORIAL RESOLUTIONS

SR 636 - by Wentworth: In memory of Addie Maxine Lang Locklin of Sonora.

SR 637 - by Wentworth: In memory of William R. Seltzer of Midland.

SR 638 - by Ellis: In memory of Iantha Louise Phillips of Houston.

HCR 87 - (Cain): In memory of the Honorable Alex H. Short, Jr., of Austin.

CONGRATULATORY RESOLUTIONS

SCR 82 - by Carona: Commending the Honorable Cathye Ray of Mesquite.

SR 635 - by Wentworth: Congratulating Enoch Sevier Duncan of San Angelo.

SR 639 - by Ellis: Commending the Gulf Coast Community Services Association.

SR 641 - by Ogden: Commending Kathy Carter of Corsicana.

SR 642 - by Whitmire: Congratulating Robert Franks of Houston.

SR 643 - by Whitmire: Congratulating Christopher Lee Coates of Houston.

SR 644 - by Whitmire: Congratulating Aaron Matthew Price of Houston.

SR 645 - by Whitmire: Congratulating Chadwick Gehrodd Coleman of Houston.

SR 646 - by Whitmire: Congratulating Graeme Leonard Dewstow of Houston.

SR 647 - by Barrientos: Congratulating Michael Garrett Gibson of Austin.

MISCELLANEOUS RESOLUTION

SR 640 - by Ellis: Recognizing Africa Days in Houston, May 2 through May 4, 1997.

RECESS

On motion of Senator Truan, the Senate at 10:35 a.m. recessed until 8:30 a.m. Monday, May 5, 1997, for the Local and Uncontested Calendar Session.

APPENDIX

COMMITTEE REPORTS

The following committee reports were received by the Senate:

May 2, 1997

CRIMINAL JUSTICE — HB 432, HB 480, HB 806, HB 975, HB 2073, HB 2075

INTERNATIONAL RELATIONS, TRADE, AND TECHNOLOGY — CSSB 813

EDUCATION — HB 588, HB 2721

STATE AFFAIRS — **HB 1387** (Amended), **CSSB 371**, **HB 1955**,
SB 1328 (Amended)

NATURAL RESOURCES — **CSSB 1340**, **CSSB 1545**, **CSSCR 77**,
HB 1406 (Amended)

INTERGOVERNMENTAL RELATIONS — **CSHB 1280**, **CSHB 3456**,
CSHB 3457

ECONOMIC DEVELOPMENT — **CSSB 33**, **CSSB 1479**

SENT TO GOVERNOR

May 2, 1997

SB 997, **SB 1386**, **SCR 78**

